

REMARKS

I. STATUS OF CLAIMS

Claims 2 and 7 are "objected to".

Claims 2 and 7 are canceled without prejudice or disclaimer.

Claims 1 and 6 are amended herein, and correspond to "objected to" claims 2 and 7 written in independent form. Therefore, it is respectfully submitted that claims 1 and 6 should be allowable.

In view of the above, it is respectfully submitted that claims 1, 6, and 8-11 are currently pending in this application.

II. REJECTION OF CLAIM 8 UNDER 35 U.S.C § 102(b) AS BEING ANTICIPATED BY TAYLOR (U.S. PATENT 5,938,309)

Claim 8 as amended specifically recites, amongst other novel features, **"a separating unit ... wherein the separating unit transmits the separated second plurality of optical client signals to a place which is different from where the third plurality of optical client signals is transmitted, while keeping the wavelengths of the second plurality of optical client signals multiplexed"**. (Emphasis added). Taylor fails to disclose, teach or suggest these features.

Instead, Taylor discloses optical communication systems with remodulators, which carry plural optical signals of different wavelengths simultaneously, the optical signals being generated by a variety of optical transmitters having various data rates. See, for example, column 1, lines 5-12 of Taylor. In Taylor, the remodulator 22 receives four OC-48 optical signals from optical transmitters 20 and outputs a single OC-48 optical channel λ_1 carrying the information from all four of the input optical signals; and optical transmitters 40 and 50 produce optical signals which are already at wavelengths within the optical channel plan of the WDM optical system. See, for example, column 4, lines 57-61, figure 2 and column 6, lines 13-17, figure 1 at 40, 50. Further, in Taylor, each optical channel, whether produced by a remodulator or optical transmitter, is routed to optical combiner 70 for conveyance to optical waveguide 80 wherein the combination of channels forms a multiplexed optical signal, which is output to waveguide 80. See, for example, column 6, lines 34-36, 46-48.

However, it is respectfully submitted that Taylor fails to disclose, teach or suggest **"a separating unit ... wherein the separating unit transmits the separated second plurality of optical client signals to a place which is different from where the third plurality of optical client**

signals is transmitted, while keeping the wavelengths of the second plurality of optical client signals multiplexed", as specifically recited by Applicant in, for example, claim 8. Instead, Taylor merely relates to how optical communication systems with remodulators, which carry plural optical signals of different wavelengths simultaneously, the optical signals being generated by a variety of optical transmitters having various data rates. See, for example, column 1, lines 5-12. The feature of a **separating unit** is absent in Taylor. Further understanding and appreciation for Applicant's claimed invention as recited in claim 8 would be found in, for example, page 8, lines 15-27 of the specification of this present application.

Moreover, claim 8 is amended to include features found in "objected to" claim 2. Therefore, it is respectfully submitted that claim 8 is allowable for at least these reasons.

In view of the above, it is respectfully submitted that the rejection is overcome.

Although the above comments are specifically directed to claim 8, it is respectfully submitted that the comments would be helpful in understanding differences in 9-11 over Taylor.

III. REJECTION OF CLAIMS 1, 6 AND 11 UNDER 35 U.S.C. § 103(a) AS BEING UNPATENTABLE OVER TAYLOR (U.S. PATENT 5,938,309) IN VIEW OF ZHOU ET AL (U.S. PATENT 6,445,850), AND FURTHER IN VIEW OF TOYOHARA (U.S. PATENT 6,271,948)

Claims 1 and 6 are amended to correspond to "objected to" claims 2 and 7 written in independent form. Therefore, it is respectfully submitted that claims 1 and 6 should be allowable. See, page 7, item of the Office Action.

With respect to claim 11, the above comments for distinguishing over Taylor also apply here, where appropriate. Nothing was cited or has been found in Zhou or Toyohara, either singularly or in combination, suggesting modification of Taylor to overcome the deficiencies discussed above.

In view of the above, it is respectfully submitted that the rejection is overcome.

IV. REJECTION OF CLAIM 9 UNDER 35 U.S.C. § 103(a) AS BEING UNPATENTABLE OVER TAYLOR (U.S. PATENT 5,938,309) IN VIEW OF TOYOHARA (U.S. PATENT 6,271,948)

The above comments for distinguishing over Taylor also apply here, where appropriate. Nothing was cited or has been found in Toyohara suggesting modification of Taylor to overcome the deficiencies discussed above.

In view of the above, it is respectfully submitted that the rejection is overcome.

V. REJECTION OF CLAIMS 1, 6 AND 11 UNDER 35 U.S.C. § 103(a) AS BEING UNPATENTABLE OVER TAYLOR (U.S. PATENT 5,938,309) IN VIEW OF ZHOU ET AL (U.S. PATENT 6,445,850)

The above comments for distinguishing over Taylor also apply here, where appropriate. Nothing was cited or has been found in Zhou suggesting modification of Taylor to overcome the deficiencies discussed above.

In view of the above, it is respectfully submitted that the rejection is overcome.

VI. CONCLUSION

If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: November 28, 2005

By: 

Uchendu O. Anyaso
Registration No. 51,411

1201 New York Ave, N.W., Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501